IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

FRIDAY THE SIXTH DAY OF AUGUST TWO THOUSAND AND FOUR

: PRESENT:

THE HON'BLE MR.JUSTICE: **B.SESHASAYANA REDDY**

CIVIL REVISION PETITION No.3255 of 2004

(Petition under Section 115 of CP to revise the order of the Court of the III Senior Civil Judge, City Civil Court at Secunderabad, made in IA. No.294 of 2004 in OS.No.340 of 1998 dated 14-06-2004)

Between:
Laxmikant.

..Petitioner

AND

1. M/s. Sri Vinayaka Co-operative Housing Society Limited, Regd. No.477, situated at No.8 Banjara Avenue, Banjara Hills, Hyderabad, rep. by its Secretary B.Papi Reddy, S/o. B.V.Subba Reddy.
2. Smt. Tara Bai, W/o. Late Ramnath Naik, R/o. 1-10-326 to 329, Brahmanwadi, Begumpet, Hyderabad.
3. Smt. Shakunthala Bai, W/o. Late Gopal Rao, R/o. 1-10-326 to 1-10-329, Brahmanwadi, Begumpet, Hyderabad.
4. R.N.Deshpande, S/o. Late Narsing Rao Deshpande, R/o. 1-10-326 to 329, Brahmanwadi, Begumpet, Hyderabad.
5. G.N.Deshpande, S/o.Late Narsing Rao Deshpande, Occ: Teacher, Zillaparishad High School, Post: Kundalwadi, Nanded Dist., Maharashtra State.
6. B.N.Deshpande, S/o. Late Narsing Rao Deshpande, Occ: Executive Engineer, Irrigation Department, Nagpur – 440 001.
7. A.N.Deshpande, S/o. Late Narsing Rao Deshpande, Thumb Impression Board, CID., Poona – 411 005.
8. Smt. Maina Bai, W/o. Late Nasing Rao Deshpande, C/o. G.N.Deshpande, Teacher, Zillaparishad High School, Post: Kundalwadi, nanded Sit. M.S. 431 771.
9. Sri Govind Rao Deshpande, S/o. Late Rama Rao Deshpande, No.3003, Rachana Apartments, Near Someshwar High School, Ramdaspet, Nagpur – 440 001.

Respondents

The petition coming on for hearing, upon perusing the Petition and Grounds filed in herein and upon hearing the arguments of Mr. M.V.S.Suresh Kumar, Advocate for the Petitioner and of Mr. P.Shiv Kumar on behalf of the Respondent No.1.

The Court made the following **ORDER:**

" This Civil Revision Petition is directed against the order dated 14-6-2004 passed in IA.No. 294/04 in OS.No. 340/98 on the file of III Senior Civil Judge, City Civil Court, Secunderabad.

Brief facts:- The petitioner herein is D7 in OS.340/98. An exparte decree came to be passed against him in the said suit. He filed petition

under O.9 R-13 of CPC to set-aside the exparte decree. Since there was a delay, an application to condone the delay of (9) days was filed. The learned III Senior Civil Judge, CCC, Secunderabad by an order dt. 14-6-04 dismissed the delay condonation petition and consequently rejected the petition filed under O.9, R-13 of CPC. Aggrieved by the orders passed in IA. 294/04 in OS.340/98 D7 therein has filed this Civil Revision Petition.

He has also filed CMA.No. 34/2004 on the file of Ist Addl. Chief Judge, Secunderabad assailing the rejection order passed in O.9 R13 CPC petition. Both this Civil Revision Petition and CMA.No. 34/2004 arise out of the same proceedings. They are required to be disposed of together. Hence Registry is directed to get CMA.No. 34/2004 on the file of Ist Additional Chief Judge, Secunderabad to this Court and post along with this CRP.No. 3255/2004 on the file of this court after (10) ten days."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The III Senior Civil Judge, City Civil Court at Secunderabad.
2. The I Additional Chief Judge, Secunderabad.
3. Mr. B.Papi Reddy, S/o. B.V.Subba Reddy, Secretary, M/s. Sri Vinayaka Co-operative Housing Society Limited, Regd. No.477, situated at No.8 Banjara Avenue, Banjara Hills, Hyderabad.
4. Smt. Tara Bai, W/o. Late Ramnath Naik, R/o. 1-10-326 to 329, Brahmanwadi, Begumpet, Hyderabad.
5. Smt. Shakunthala Bai, W/o. Late Gopal Rao, R/o. 1-10-326 to 1-10-329, Brahmanwadi, Begumpet, Hyderabad.
6. R.N.Deshpande, S/o. Late Narsing Rao Deshpande, R/o. 1-10-326 to 329, Brahmanwadi, Begumpet, Hyderabad.
7. G.N.Deshpande, S/o.Late Narsing Rao Deshpande, Occ: Teacher, Zillaparishad High School, Post: Kundalwadi, Nanded Dist., Maharashtra State.
8. B.N.Deshpande, S/o. Late Narsing Rao Deshpande, Occ: Executive Engineer, Irrigation Department, Nagpur – 440 001.
9. A.N.Deshpande, S/o. Late Narsing Rao Deshpande, Thumb Impression Board, CID., Poona – 411 005.
10. Smt. Maina Bai, W/o. Late Nasing Rao Deshpande, C/o. G.N.Deshpande, Teacher, Zillaparishad High School, Post: Kundalwadi, nanded Sit. M.S. 431 771.

11. Sri Govind Rao Deshpande, S/o. Late Rama Rao Deshpande, No.3003, Rachana Apartments, Near Someshwar High School, Ramdaspet, Nagpur – 440 001.
12. The Section Officer, V.R.Section, High Court of A.P., Hyderabad.
13. The Section Officer, CRP Section, High Court of A.P., Hyderabad.
14. One spare copy.

SAH

HIGH COURT

LNRJ

DATE: 18-06-2004

NOTE: POST ON 02-07-2004

ORDER

C.R.P. NO. 1823 OF 2004

EXTENDING THE INTERIM ORDER